

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 3, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. By means of the present amendment, claims 1-17 are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A". By these amendments, claims 1-17 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, the declaration/oath is objected to for improper wording as noted on page 8 of the Office Action. In response, a new Oath/Declaration in compliance with 37 CFR 1.67(a) is being acquired and will be submitted when it is received back from the Applicants.

In the Office Action, claims 1-17 are rejected under 35 U.S.C.

§102(a) as being anticipated by WIPO publication No. WO 01/65358 A2 to Cordero ("Cordero") or, in the alternative, under 35 U.S.C. §103(a) as allegedly unpatentable over Cordero in view of U.S. Patent No. 5,618,045 to Kagan ("Kagan"). It is respectfully submitted that claims 1-17 are patentable over Cordero alone and in view of Kagan for at least the following reasons.

For example, with regard to independent claims 1, 5, 6 and 7, it is respectfully submitted that neither Cordero nor Kagan, singularly, or in combination, disclose or suggest, amongst other patentable elements, (illustrative emphasis provided) "determining a set of information items . . . which comprises connection-related information indicating locations of said modular units relative to one another as interconnected in a common game space," as recited in claim 1, and as similarly claimed in claims 5, 6 and 7.

In formulating the rejection of claims 1, 5, 6 and 7, the Office Action cites page 19, lines 16-19, of Cordero as disclosing "wherein said set of information items depends on the way in which said modular units are located relative to each other," as previously claimed. This characterization appears to be based on the interpretation of Cordero's disclosure of a client requested

criteria of "ping time" or "least latency" as being "determined at least in part by how far clients are away from each other."

However, based on Applicants' previous arguments, it is acknowledged that Cordero does not disclose "how the units are located relative to one another in a spatial sense, which the applicants seem to intend." To cure the admitted deficiencies of Cordero, the Office Action cites Col. 3, lines 40-53, and Col. 5, lines 15-30 of Kagan as disclosing that several portable gaming devices located in close proximity can communicate wirelessly to play a game, wherein the devices are displayed according to respective players in the game.

In view of the above cited disclosure of Cordero and Kagan, the Examiner is seemingly interpreting the claim limitations regarding "relative locations of modular units" to mean relative physical locations of the portable units, per se, in the network. However, it is respectfully asserted that such interpretation is erroneous in the context of the claimed subject matter when viewed in whole, such as in claims 5, 6 and 7, which specifically recite that said modular units are located relative to one another in said sets or common playfield.

Notwithstanding the above, to advance prosecution, the claims have been amended to recite, e.g., determining ... connection-related information indicating locations of said modular units relative to one another as interconnected in a common game space /playfield, which further clarifies and distinguishes the claimed subject matter over Cordero and Kagan.

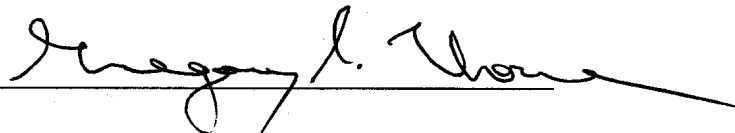
Accordingly, for at least the above reasons, it is respectfully requested that independent claims 1, 5, 6 and 7 be allowed. In addition, it is respectfully submitted that dependent claims 2-4, and 8-17 should also be allowed at least based on their dependence from one of respective base claims 1, 5, 6 and 7, as well as individually patentable elements recited in such dependent claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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